

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

NOOIE LLC, a California limited liability
company,

Plaintiff,

v.

NOORIO INNOVATIONS LIMITED, a
Hong Kong limited company,

Defendant.

Civil Action No. 1:22-cv-1469-LMB-WEF

**PLAINTIFFS' MEMORANDUM IN OPPOSITION TO DEFENDANT'S MOTION TO
CONTINUE HEARING ON TEMPORARY RESTRAINING ORDER**

Plaintiff has agreed to an extension of time for Defendant to answer the complaint but Plaintiff opposes Defendant's motion to continue the hearing on the Temporary Restraining Order ("TRO") scheduled for Feb. 2, 2023. Defendant has been aware of this motion for two weeks but failed to timely file an opposition to the motion by the deadline of Jan. 30, 2023 per LR 7(F)(1) and failed to contact Plaintiff's counsel to request an extension prior to he was literally boarding a flight to attend the hearing.

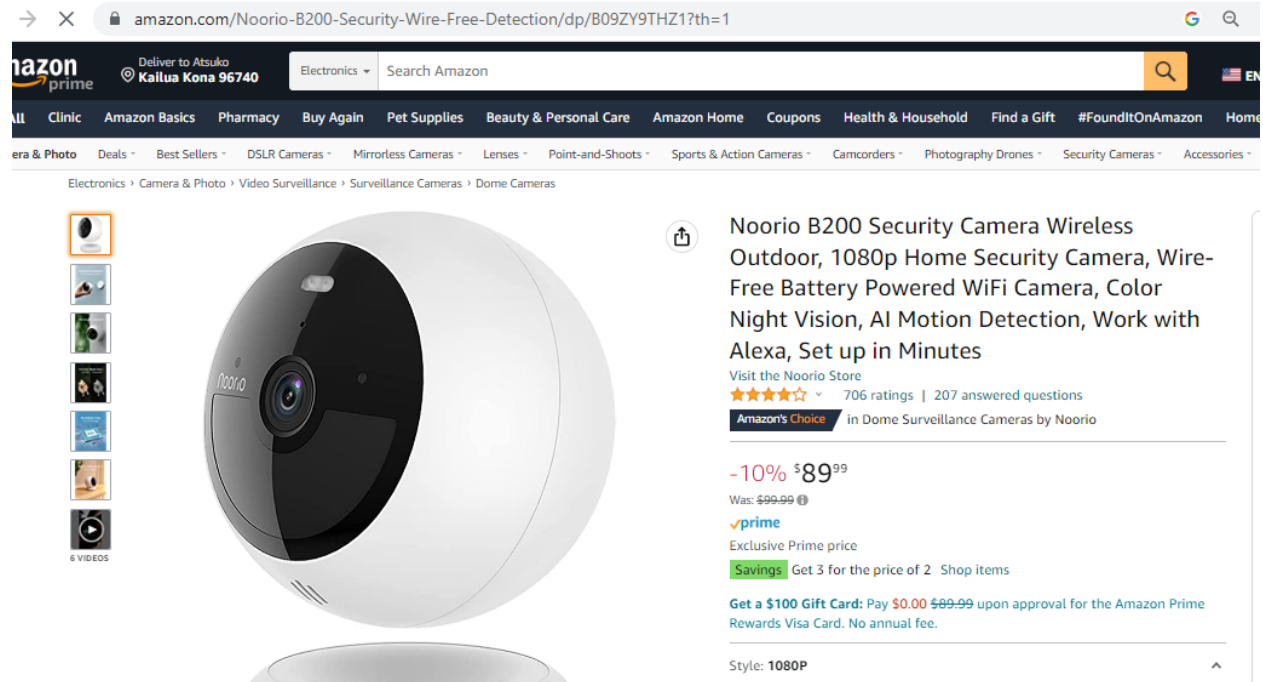
On Jan. 16, 2023, Plaintiff served the Motion for and Complaint on Defendant's Hong Kong officer. *See* Affidavit of Service [Doc. #12-1]. On Jan. 19, 2023, Plaintiff mailed a copy of these documents to Defendant's Hong Kong address and to Defendant's trademark counsel in Philadelphia who must speak English because he filed Noorio's trademark applications. *See* Certificate of Service [Doc. #15]. On Jan. 23, 2023, Plaintiff mailed a copy of the Temporary Restraining Order to Defendant's Hong Kong address and its trademark counsel in Philadelphia, and emailed a copy to Defendant's trademark counsel. *See* Certificate of Service [Doc. #23]. The

deadline for Defendant to file an opposition to the Motion for TRO was Jan. 30, 2023 per LR 7(F)(1) (“(14) calendar days after service”).

On Jan. 31, 2023, Defendant’s counsel contacted Plaintiff’s counsel to meet and confer about continuing the hearing on the TRO less than two days before the hearing for which Plaintiff has diligently prepared. Indeed, Plaintiff’s counsel literally was 10 minutes away from boarding his flight from Los Angeles to Northern Virginia at the time he received Defendant’s counsel’s emails¹. Plaintiff understands that Defendant’s counsel has recently been retained and of course consents to Defendant’s wish for an extension to answer the Complaint out of professional courtesy. However, Plaintiff would suffer prejudice if the hearing on the TRO is continued. Plaintiff has already incurred fees for Plaintiff’s counsel’s travel and lodging to Northern Virginia for the hearing². Further, Defendant is flagrantly violating the TRO by continuing to sell infringing goods from its Amazon storefront as shown from this screenshot as of Jan. 31, 2023:

¹ This opposition is being prepared and filed while in flight.

² Defendant appears to make light of the fact that Plaintiff’s counsel traveled from Hawaii to Virginia. Plaintiff had to file this lawsuit in a place where it is subject to personal jurisdiction.



Plaintiff intended to bring this and other urgent issues that are causing it irreparable damage to this Court's attention at the hearing. Accordingly, Plaintiff urges the Court to maintain the scheduled hearing of Feb. 2, 2023 rather than rewarding Defendant for sitting on its hands.

DATED: Kailua-Kona, Hawaii, January 31, 2023.

Respectfully submitted,

/s/ Kerry S. Culpepper

Kerry S. Culpepper,
Virginia Bar No. 45292
Counsel for Plaintiffs
CULPEPPER IP, LLC
75-170 Hualalai Road, Suite B204
Kailua-Kona, Hawai'i 96740
Tel.: (808) 464-4047
Fax.: (202) 204-5181
kculpepper@culpepperip.com

CERTIFICATE OF SERVICE

I hereby certify that on January 31, 2023 a true and correct copy of the foregoing is being filed via ECF and caused a copy of the foregoing to be delivered electronically to counsel of record.

Kristen Ward Broz
FOX ROTHSCHILD LLP
2020 K Street, N.W., Suite 500
Washington, D.C. 20006

DATED: Kailua-Kona, Hawaii, January 31, 2023.

Respectfully submitted,

/s/ Kerry S. Culpepper

Kerry S. Culpepper,
Virginia Bar No. 45292
Counsel for Plaintiffs
CULPEPPER IP, LLC
75-170 Hualalai Road, Suite B204
Kailua-Kona, Hawai'i 96740
Tel.: (808) 464-4047
Fax.: (202) 204-5181
kculpepper@culpepperip.com